

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Douglas Fischback

Docket No. 7:23-CR-71-1M

Petition for Action on Supervised Release

COMES NOW Henry Ponton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Douglas Fischback, who, upon an earlier plea of guilty to Aiding or Assisting in Filing a False Income Tax Return, in violation of 26 U.S.C. § 7206(1), was sentenced by the Honorable Donald C. Nugent, United States District Judge in the Northern District of Ohio, on November 30, 2022, to the custody of the Bureau of Prisons for a term of 6 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 12 months.

Douglas Fischback was released from custody on May 30, 2023, at which time the term of supervised release commenced. On July 10, 2023, jurisdiction of the defendant's case was transferred to the Eastern District of North Carolina and assigned to the Honorable Richard E. Myers II, Chief United States District Judge.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

As a condition of the defendant's release, the first six months of supervised release were ordered to be served on home detention with electronic monitoring. The defendant owns H5 Construction Services LLC in Brunswick County, North Carolina. His work involves building, repairing, and maintaining piers and docks in Southern Brunswick County. This work requires him to frequently enter the water, which has the potential to damage the electronic monitoring equipment.

Based on the defendant's limited criminal history and compliance on supervision, it is respectfully requested that Your Honor consider modifying the defendant's conditions to include home detention without electronic monitoring. The defendant agreed to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for the originally ordered term of 6 months. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

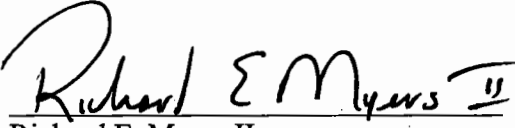
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ David W. Leake
David W. Leake
Supervising U.S. Probation Officer

/s/ Henry Ponton
Henry Ponton
U.S. Probation Officer
414 Chestnut Street, Suite 102
Wilmington, NC 28401-4290
Phone: 910-679-2048
Executed On: July 11, 2023

ORDER OF THE COURT

Considered and ordered this 12th day of July, 2023, and ordered filed and
made a part of the records in the above case.


Richard E. Myers II
Chief United States District Judge